

Egremont Conservation Commission Minutes of January 26, 2017 Town Hall, Egremont, Mass. 7:00 PM start time.

Commissioners present: Chairman Bill Tynan, Ben Barrett. Ted Rubsamen or Alina Hsu, so **we did NOT have a quorum.**

Guests: Chet Delaney, Richard Kirsch, Joe Bozza.

**Citizens' inquiries:** Bill Tynan was asked to go do an assessment of the property at **5 General Knox Lane**, now that **Richard Kirsch** had all but completed their building project. Silt fence is still intact. There was some snow on the ground. Bill Tynan saw no evidence of erosion, and the site has been seeded, and there is straw according to Mr. Kirsch. Bill Tynan's contention is to sign the COC, but without a quorum, we cannot rule. Richard Kirsch will be unable to attend the February 9<sup>th</sup> meeting, so asked us to mail his original Certificate of Compliance to his mailbox at PMB 78 once there is a quorum.

Joe Bozza here for **Battaglia 66 Prospect Lake Road** dropped off building plans for the deck modification but no site map showing work area. Bill Tynan and Ben Barrett did a site visit on January 18 and suggested silt fence or wattles be used to protect the lake. No quorum, no action taken. We requested that Mr. Bozza bring a site map to Feb 9<sup>th</sup> meeting with details on access, and work to be done.

Posted public hearing for continuation for **Shemshack 13 Nicholson Road**. Email received from Foresight Engineering to request to continue to February 9<sup>th</sup>. With no quorum, and no representatives from Foresight or Catamount, the hearing is de facto continued. The commission received a letter dated January 24, 2017 from J. Gavin Cockfield of Davis, Malm and D'Agostine, P.C., Boston, Mass. It is their

contention that "Under 310 CMR 10.05(4) (a), if the applicant is not the owner of the land, the applicant must obtain written permission <sup>from</sup> for the owner of the land prior to filing of a Notice of Intent. As one of the landowners, Catamount's written permission to complete the work described in the NOI was required prior to filing of the NOI. That permission was not obtained. The Conservation Commission cannot act on the defectively filed NOI until that written permission is obtained." Can Shep get to the bottom of this or do we need council from Jeremiah Pollard?

Received request from Tom Gilbert for the recording of the previous hearing. The request now has to formally go through the newly established "RAO" (Records Access Officer) which is a new state law. Juliette Haas is the ROA, or Mary Brazie second in command. Alina Hsu recorded the meeting on her smart phone, and forwarded that to town hall.

**Mt Washington Road Bridge** progress report: No news from Emily Stockman. On Tuesday the 17<sup>th</sup>, an email was sent with the copy of the letter sent to Davenport Trucking, Jan 6, 2017. E 2399 Mt. Washington Road Bridge. On file.

We received a letter from the HVA that they have a grant to do a survey of the Green River, and that they are looking for volunteers to help on the steering committee for what should be two meetings.

Motion to adjourn the non-meeting at 8:40 PM. Both in favor!

Ben Barrett

  
Secretary for the commission

